

To be Presiding Judge of the Fourth Administrative Judicial District: To fill the unexpired term of Solomon Casseb, Jr., resigned: Peter Michael Curry, San Antonio, Bexar County.

To be Presiding Judge of the Fourth Administrative Judicial District: For a term to expire December 31, 1972: Peter Michael Curry, San Antonio, Bexar County.

To be Presiding Judge of the Eighth Administrative Judicial District: Louis T. Holland, Montague, Montague County.

To be Presiding Judge of the Fifth Administrative Judicial District: Fidencio Guerra, McAllen, Hidalgo County.

To be Presiding Judge of the Seventh Administrative Judicial District: Raleigh Brown, Abilene, Taylor County.

To be Presiding Judge of the Sixth Administrative Judicial District: Roger Thurmond, Del Rio, Val Verde County.

To be Associate Justice of the Supreme Court of Texas: To fill the unexpired term of James R. Norvell, resigned: Tom Reavley, Austin, Travis County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:36 o'clock a.m.

Memorial Resolutions

S. R. No. 407—By Senator Hazlewood: Memorial resolution for J. W. Collins.

S. R. No. 408—by Senator Hazlewood: Memorial resolution for Mrs. C. W. (Annie) Furr.

Welcome and Congratulatory Resolutions

S. R. No. 396—By Senator Grover: Extending a happy birthday to Gary Cohen on the occasion of his twenty-first birthday.

S. R. No. 398—By Senator McKool: Commending Jamie Parker on winning a Spelling Bee.

S. R. No. 399—By Senator McKool: Extending congratulations to Free-

man-Cooper Tornadoes Football Team of Garland.

S. R. No. 400—By Senator Watson: Extending welcome to Gus Crawford of Waco.

S. R. No. 401—By Senator Watson: Extending welcome to Mrs. Edwina Youngblood of Waco.

S. R. No. 402—By Senator Watson: Extending welcome to Dr. Clifford Knappe of Waco.

S. R. No. 403—By Senator Her-ring: Extending welcome to sponsors and students of fifth grade class of I. W. Popham Elementary School of Travis County.

S. R. No. 404—By Senator Hall: Extending welcome to Robert W. Norton of Terrell.

S. R. No. 405—By Senator Hazlewood: Extending congratulations to Canyon High School girls basketball team on winning State championship.

S. R. No. 406—By Senator Hazlewood: Extending congratulations to Elkettes of Stratford High School on their fine performance in the 1968-69 basketball season.

Adjournment

On motion of Senator Aikin the Senate at 11:37 o'clock a.m. adjourned until 11:00 o'clock a.m., Monday, March 31, 1969.

APPENDIX

Sent to Governor
March 27, 1969

S. C. R. No. 49

S. C. R. No. 50

S. C. R. No. 51

S. B. No. 82

FORTY-THIRD DAY

(Monday, March 31, 1969)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Snelson
Grover	Strong
Harrington	Watson
Harris	Wilson

Absent—Excused

Hall	Word
Schwartz	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 27, 1969, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Hightower.

Senator Word was granted leave of absence for today on account of important business on motion of Senator Hightower.

Message From the House

Hall of the House of Representatives
Austin, Texas.
March 31, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 267, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey fee simple title to the surface estate in certain state-owned land held for the use of the State Department of Corrections to certain parties in exchange for

certain other land of equal acreage; and declaring an emergency."

S. B. No. 380, A bill to be entitled "An Act authorizing the commissioners court of certain counties to issue negotiable certificates of indebtedness for and on behalf of the county; etc.; and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act relating to expenses to be paid to members of the State Board of Registration for Public Surveyors; amending Section 5, Chapter 328, Acts of the 54th Legislature, Regular Session, 1955, as amended; and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act authorizing certain independent school districts to issue time warrants; and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act relating to the establishment of an advisory council for the study and research of the problems of language-handicapped children and defining the duties of the Texas Education Agency and the Commissioner of Education concerning study and research into the problems of language-handicapped children and the development and carrying out of diagnostic and treatment programs for such children; amending Subsection (d) and (h) of Section 3, and Sections 5 and 6, Chapter 451, Acts of the 60th Legislature, Regular Session, 1967 (Article 2654-1c, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 402, A bill to be entitled "An Act relating to compensation of the official shorthand reporter for the First Judicial District; and declaring an emergency."

H. B. No. 234, A bill to be entitled "An Act relating to the Court of Domestic Relations for Taylor County, Texas; amending Sections 7 and 16 of, and adding a new Section 5a to Chapter 44, Acts of the 58th Legislature, 1963 (Article 2338-17, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 163, A bill to be entitled "An Act providing a statute of limitations for suits to collect delinquent ad valorem taxes; amending Chapter 506, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article

7345b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act relating to the supplemental salary of the District Attorney for the 47th Judicial District; providing for the employment of assistant district attorneys and investigators, and fixing their compensation; specifying the qualifications and duties of assistant district attorneys; providing for the payment of salaries; amending Chapter 348, Acts of the 57th Legislature, Regular Session, 1961 (Article 326k-36a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act relating to the employment and salaries of the county attorney and assistant county attorneys, investigators, and secretaries for the county attorney in certain counties; amending Chapter 484, Acts of the 59th Legislature, Regular Session, 1965 (Article 3886-1, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 23, A bill to be entitled "An Act providing that in calculating an economic index of the financial ability of each county to support the Foundation School Program pursuant to the provisions of Section 3, Article VI, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-16, Vernon's Texas Civil Statutes), the Commissioner of Education shall classify a feed lot for cattle or other animals; as a manufacturing operation; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 338, Voice vote.

H. C. R. No. 74, Granting the Southwest Area Council of the Young Men's Christian Association permission to use the House and Senate Chambers.

H. B. No. 590, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Thompson Road Utility District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related

matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority, and functions of the General Laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, where not in conflict with this Act; and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising, or re-routing any highway, railroad, or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining 'sole expense'; providing for depositions; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for powers of District within and without the boundaries of District; providing for a plumbing code;

providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding the requirements of Article 16, Section 59(d), Constitution of Texas as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act relating to compensation of court reporters in Jefferson County; amending Section 1, Chapter 377, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326j-6, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act relating to the compensation of certain county officials in certain counties; adding a new Section 1B to Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act relating to retirement and pensions of firemen in certain cities; amending Sections 6B, 7B, 7C, 10E, 12A, and Subsections (d) and (e) of Section 23A-1, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act amending Subdivision 1, Section 37, Texas Election Code, as amended (Subdivision 1, Article 5.05, Vernon's Texas Election Code), relating to persons permitted to vote absentee; and declaring an emergency."

(With amendments.)

H. B. No. 591, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Lynchburg Utility District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; finding District is created for public use and benefit; conferring on District the rights, powers, privileges, authority, and functions of the General Laws of Texas applicable to water control and improvement districts created under said Article 16, Section 59, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stating the policy of the State with regard to waste control; prescribing the District's rights, powers, privileges and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of director's own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to District and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Article 7880-139, V.T.C.S.; providing for bonds and refunding bonds of the District, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which District is situated; providing District shall bear expenses of relocating, raising, or rerouting any highway, railroad, or utility

lines or pipe lines made necessary by its exercise of the power of eminent domain; defining 'sole expense'; providing for depositories; providing for an audit, and related matters; providing for the establishment of District offices, and related matters; providing for powers of District within and without the boundaries of District; providing for a plumbing code; providing for the sale of bonds and the price of such bonds; providing that Article 7880-77b, V.T.C.S., shall not be applicable to this District; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this District shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this District; providing that District is subject to provisions of Article 1182c-1, V.T.C.S.; determining and finding the requirements of Article 16, Section 59(d), Constitution of Texas as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the District shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions related to the aforementioned subjects; providing a severability clause; and declaring an emergency."

H. C. R. No. 76, In memory of Dwight D. Eisenhower.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution No. 409

Senator Herring offered the following resolution:

Whereas, The Senate of Texas is honored by the distinguished presence of Senator Tran Ngoc Nhuan of Saigon, Viet Nam; and

Whereas, Senator Nhuan is visiting the United States and the State of Texas with Colonel Nguyen Linh Chieu, Military Attache of the Vietnamese Embassy in Washington; and

Whereas, Senator Nhuan's wife and four children have accompanied him to the United States, and have remained in Washington while he is on tour of the country; and

Whereas, Senator Nhuan has served in the Senate of South Vietnam since 1967, with membership on the Foreign Affairs and Information Committee; and

Whereas, He is now Secretary General of the Social Democratic bloc; and

Whereas, Senator Nhuan has been Commanding Officer of the Aerial Photo Center of the Joint General Staff Armed Forces; and

Whereas, Senator Nhuan has served as Deputy Commander of the CAY-MAI Intelligence School, and also as Commandant of the Military Intelligence School; now, therefore, be it

Resolved, That the Senate of Texas express appreciation of his interest in the functions of our State government; and, therefore, be it also

Resolved, That Senator Nhuan's presence be recognized by the Senate of Texas; that he be extended an official welcome; and that he be granted the privileges of the floor for this day.

The resolution was read and was adopted.

The President presented the distinguished guest, Senator Tran Ngoc Nhuan to the Members of the Senate and extended him a warm welcome to the Texas Senate.

Motion to Reconsider Vote by Which Senate Concurred in House Amendments to Senate Bill 165 Spread on Journal

Senator Grover by unanimous consent moved that a motion to reconsider the vote by which the Senate concurred in House Amendments to S. B. No. 165 be Spread on the Senate Journal.

House Concurrent Resolution 76 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 76, Memorial resolution for President Dwight David Eisenhower.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

Congratulatory Resolution

S. R. No. 410—By Senator McKool: Extending congratulations to Eddie Vela of Garland on winning first place in the Optimist Club Oratorical Contest.

Recess

On motion of Senator Aikin the Senate at 11:17 o'clock a.m. took recess until 9:00 o'clock a.m. tomorrow in memory of former President Dwight David Eisenhower.

In Memory of
President Dwight David Eisenhower

Senator Aikin offered the following resolution:

(Senate Concurrent Resolution 56)

Whereas, No figure in this era or in the annals of history has so attracted the love of peoples of his own land and of countries abroad as did former President Dwight David Eisenhower, and the Texas Legislature joins the citizens of our sister states and those throughout the world who mourn the death of this truly great man of all times; and

Whereas, Around the earth, flags are at half mast for the Soldier-President who died on Friday, March 28, 1969, at the age of 78. He was the architect of D-Day and guided Allied forces in the invasion of the European continent that broke the back of enemy resistance; as the 34th President of the United States, he protected our nation through eight years of cold war, brought about the cease-fire in Korea, and, on the home front, gave to his administration the identity of domestic tranquility; and

Whereas, Texans have a particular place in their hearts for this man whom they affectionately, but respectfully, called "Ike"; born in Denison, Texas, on October 14, 1890, he was our first native son to attain the Nation's highest office; it was in Texas while stationed at Fort Sam Houston that Ike met and wooed his future wife, the lovely Mamie Geneva Doud; the couple's first son was born in San Antonio, and the future President and five-star General was serving there when World War II broke out; Texans rallied to his support when he agreed to run for President in 1952, and he became the second Republican in history to gain the State's electoral votes, a feat which he repeated four years later with an overwhelming popular vote; and

Whereas, During some of the darkest days of our country, on November 8, 1942, General Eisenhower was named Allied Commander-in-Chief in North Africa and, one year later, on December 31, 1943, he became Commanding General, Allied Powers, European Theater of Operations; his momentous decision to send Allied Forces into action on June 6, 1944, D-Day, came at the right time and the assault was made in the right place, with the weather the best of any day for months before or after the date chosen; and

Whereas, His immense popularity, however, cannot be explained by the reality that he was a war hero, that he commanded three million men who conquered the Nazi Germans in the West: most of his close

friends and others of long acquaintance believe that his particular "magic" resulted from the fact that no matter how far he roamed, how high he went, he never got too far away from his beginnings; he remained always the warm, friendly, smiling "Ike Eisenhower" of his boyhood days in Abilene, Kansas; and

Whereas, As a General, a college president, head of NATO, and President of the United States of America, Dwight D. Eisenhower was a man with deep dedication to his country; from his days as a cadet in the U. S. Military Academy at West Point until his last hours, he was ever ready to serve; and

Whereas, As expressed so appropriately by former President Lyndon B. Johnson, the second native Texan to hold the office of President, "The sturdy and enduring virtues—honor, courage, integrity, decency—all found eloquent expression in the life of this good man and noble leader. . . . America will be a lonely land without him, but America will always be a better Nation, stronger, safer, more conscious of its heritage, more certain of its destiny, because Ike was with us when America needed him"; and

Whereas, America will be a lonely land without him, for in truth this deeply spiritual and moral leader who came "from the heart of America," by his going leaves a great void in the hearts of all Americans; now, therefore, be it

Resolved by the Senate of the 61st Legislature, the House of Representatives concurring, That the Texas Legislature adopt this Resolution in salute to Dwight David Eisenhower, a great and beloved American, to whom death came at the end of a "long and heroic struggle"; but who, like Saint Paul, could well have said: "I have fought the good fight, I have finished my course, I have kept the faith"; and, be it further

Resolved, That on behalf of the people of this State, the Texas Legislature hereby extend sympathy to Mrs. Mamie Doud Eisenhower, Mr. and Mrs. John Eisenhower, the Eisenhower grandchildren, and members of the Eisenhower family on their and the Nation's great loss; and, be it further

Resolved, That official copies of this Resolution be prepared for the Eisenhower family; that pages be set aside in Journals of the House of Representatives and the Senate in tribute to Dwight David Eisenhower, and that the two Houses of the Legislature adjourn immediately upon passage of this Resolution in memory of Dwight David Eisenhower.

AIKIN
HARRIS

Signed—Lieutenant Governor Ben Barnes; Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard,

Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Grover, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

Senator Harris addressed the Senate, stating:

"I am pleased to speak in behalf of this resolution memorializing a great leader, who is a member of the same political party I am. One of the reasons Dwight Eisenhower was a great President was because of his non-partisan leadership. He had many friends in both political parties; he looked to the leaders of both parties for assistance in his job as President and, on occasion, was criticized by some members of the Republican Party for being too non-partisan. I think, however, that his non-partisan approach was one of the factors in his being a great President and is an example to all of us, regardless of our political party, that we must keep ever present in mind the will of the people on a non-partisan basis, regardless of what office we hold."

Senator Aikin addressed the Senate, stating:

Although not a personal friend of former President Eisenhower, he had come to know of his many qualities through his mutual friend, former Speaker of the House Sam Rayburn. He especially, cited former President Eisenhower's humble qualities, his attendance without ceremony of the funeral services of former Speaker Rayburn and his great leadership as President of the United States.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.